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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/689,703	10/22/2003	Hiroko Mogi	244211US6	4653

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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER

TRAN, NHAN T

ART UNIT	PAPER NUMBER
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2622

NOTIFICATION DATE	DELIVERY MODE
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02/29/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/689,703

Applicant(s)

MOGI ET AL.

Examiner

Nhan T. Tran

Art Unit

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 December 2007 and 29 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 10-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 10-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 12/26/2007 with respect to claims 1-4, 10-19 have been considered but are moot in view of the new ground of rejection.

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on 10/29/2007 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title; if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-4, 10-12 and 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bachmann (DE 37 10111) in view of Gelbard (US 6,927,797).

Regarding claim 1, Bachmann discloses a video camera (television camera shown in Fig. 1 and abstract) comprising:

a camera body (1) to image an object;

a mounting member (7) removably installable (attachable to the camera body 1 as disclosed in the title and abstract) on the camera body;

a viewfinder (3);

a first arm member (5) attached to said mounting member at a first end (8) and attached to said viewfinder at a second end (9) to be adjacent to a side of said camera body (see Fig. 1), said first arm member (5) being pivotably rotatable about said mounting member at said first end (8) and being pivotably rotatable about said viewfinder at said second end (9); and said viewfinder being removably installed (attachable) on the first arm member to display an image picked up by the camera body, the viewfinder including a display unit (inherent display unit in such an electronic viewfinder of the television camera) to display an image thereon (see Fig. 1 and abstract).

Although Bachmann discloses the first arm member as discussed above, Bachmann is just silent as to the first arm member extending toward a back of said camera from the mounting member.

However, Gelbard teaches a video camera having a viewfinder (41 in Fig. 4) attached to an arm member (60) which is extended from a mounting member (24) toward the back of the camera (see Figs. 1 & 4) so as to increase versatility and usability of the viewfinder as suggested by Gelbard in col. 1, lines 4-8 and col. 4, lines 29-57.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the television camera in Bachmann such that the

first arm member would be configured to extend toward the back of the camera from the mounting the member so as to increase versatility and usability of the viewfinder as suggested by Gelbard above.

Regarding claim 2, it is also seen in Bachmann that the display unit (inside viewfinder 3) is removably installed (attachable) to the first arm member (see title and abstract).

Regarding claim 3, Gelbard further discloses that the camera body is provided with an accessory-part fixture (video input port at 126 or slot member 118 shown in Fig. 1 of Gelbard) for fixing an accessory part to the video camera; and the display unit is removably installable to the accessory-part fixture (see Gelbard, Figs. 1, 2 & 4). Therefore, it would have been obvious to one of ordinary skill in the art to further combine Bachmann and Gelbard for an accessory-part fixture for fixing an accessory part to the camera so that the viewfinder (display unit) and its associated electrical components would be removably attached easily.

Regarding claim 4, Bachmann in view of Gelbard further discloses that at least either the accessory-part fixture or display unit has an auxiliary screw provided thereon (see Gelbard, Figs. 1, 6 & 8).

Regarding claim 10, Bachman also discloses that the video camera further comprises a fulcrum member (8) connected to said mounting member; said first arm member (5) being pivotable about said fulcrum member at said first end.

Regarding claim 11, the combined teaching of Bachmann and Gelbard also discloses a bracket (clamp bracket 96 shown in Fig. 8 of Gelbard) connected to said viewfinder and longitudinally slidable along said first arm (see Gelbard, col. 5, line 64 – col. 6, line 1, wherein the user can slide the clamp bracket 96 to clamp the viewfinder 38 to a desired position).

Regarding claim 12, it is also clearly seen in Fig. 1 of Bachmann that the first arm member (5) has a bar shape.

Regarding claim 17, Bachmann further discloses, in Fig. 1, a fulcrum member (9) connected to said viewfinder (3); said viewfinder being pivotable about said fulcrum member at said second end.

Regarding claim 18, it is also seen in Fig. 1 of Bachmann a first fulcrum member (8) connected to said mounting member (7), said first arm member (5) being pivotable about said first fulcrum member at said first end about a first axis (axis 8); and a second fulcrum member (9) connected to said viewfinder (3); said first arm member being pivotable about said second fulcrum member at said second end about a second axis

(axis 9) substantially parallel to said first axis (axes 7 and 9 are always parallel at a separated distance of the length of first arm member 5).

Regarding claim 19, this claim is also met by the analysis of claim 18.

5. Claims 13-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bachmann and Gelbard as applied to claim 1 and in further view of Yamada Kazuo (JP 10-191118 in the IDS filed 12/17/2003).

Regarding claim 13, Bachmann and Gelbard do not teach a second arm member having a first end pivotably mounted on said viewfinder and a second end adapted to be connected to a tripod.

However, it is well recognized by Kazuo that the extended viewfinder of a video camera is supported by a second arm member (19) that is connected to a tripod (10) so as to maintain the viewfinder at a constant height when the video camera is tilted downward on a tripod (see Figs. 1 & 3 and abstract and paragraph [0029]; it should be noted in Kazuo that the position of the viewfinder is independent from the camera posture to maintain the eyepiece 13 at a substantially constant position even when the camera is tilted downward).

Therefore, it would have been obvious to one of ordinary skill in the art to combine the teachings of Bachmann, Gelbard and Kazuo to construct a second arm member having a first end pivotably mounted on said viewfinder and a second end

adapted to be connected to a tripod so that the eyepiece of the viewfinder is maintained at a constant height when the video camera is tilted downward on a tripod to minimize unnecessary head movement of the photographer/user as suggested by Kazuo.

Regarding claim 14, it is also seen in Kazuo that the second arm member has a bar shape (e.g., a cylinder bar shape shown in Figs. 1 & 3).

Regarding claim 15, the combination of Bachmann, Gelbard and Kazuo also teaches that the second arm member is configured to have a telescopic operation (see Fig. 4 in Kazuo).

Regarding claim 16, this claim is also met by the analysis of claim 13.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nhan T. Tran whose telephone number is (571) 272-7371. The examiner can normally be reached on Monday - Friday, 8:00am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Ometz can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



NHAN T. TRAN
Primary Examiner